

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JERRY LEE LEWIS,

Plaintiff,

v.

JEROME SWEENEY, BRIAN KOOL,
JOHN KUSSMAUL, MARY TAYLOR,
JEREMY McDANIELS and JARED BARR,

Defendants.

ORDER

13-cv-457-bbc

Pro se plaintiff Jerry Lee Lewis is proceeding on a claim that several prison officials violated his rights under the Eighth Amendment by requiring him to wear restraints that were too small for him. Trial is scheduled for February 2, 2015. Now before the court is plaintiff's motion for assistance in recruiting counsel. Dkt. #92.

The standard for recruiting counsel is whether the legal and factual difficulty of the case exceeds the plaintiff's ability to prosecute it. Pruitt v. Mote, 503 F.3d 647, 654, 656 (7th Cir. 2007). Although plaintiff has demonstrated a level of legal skill far above that of the average pro se litigant, I am persuaded that the nature of plaintiff's claims in this case may require the assistance of a lawyer at trial. In particular, plaintiff says that he wishes to demonstrate to the jury how the small restraints affected him, but, for security reasons, he has been unable to obtain a pair of the restraints or photographs of him in the restraints. Further, to the extent that plaintiff may wish to perform a live demonstration at trial,

counsel may be necessary to help with logistics.

Accordingly, I am granting plaintiff's motion for assistance in recruiting counsel. The trial will be postponed while the court attempts to locate counsel to represent plaintiff.

ORDER

IT IS ORDERED that

1. Plaintiff Jerry Lee Lewis's motion for assistance in recruiting counsel, dkt. #92, is GRANTED.

2. The schedule in this case, including the February 2, 2015, trial date, is STRICKEN and proceedings are STAYED pending recruitment of counsel for plaintiff. If I find counsel willing to represent plaintiff, I will advise the parties of that fact. Soon thereafter, a status conference will be held to establish a new schedule for resolution of the case.

Entered this 3d day of December, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge